

1 By

Baker HAWKINS

H.J.R. No. 68

Hawkins
Kulick

A JOINT RESOLUTION

proposing an amendment to Section 1, Article XVII, Constitution of the State of Texas, revising provisions on the time of proposing amendments to the state constitution and the time and method of publishing notice of proposed amendments.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 1, Article XVII, Constitution of the State of Texas, be amended to read as follows:

"Section 1. The Legislature, at any regular session, or at any special session when the matter is included within the purposes for which the session is convened, may propose amendments to the Constitution, to be voted upon by the qualified electors for statewide offices and propositions, as defined in the Constitution and statutes of this State. The date of the election shall be specified by the Legislature. The proposal for submission must be approved by a vote of two-thirds of all the members elected to each House, entered by yeas and nays on the journals.

"A brief explanatory statement of the nature of a proposed amendment, together with the date of the election and the wording of the proposition as it is to appear on the ballot, shall be published twice in each newspaper in the State which meets requirements set by the Legislature for the publication of official notices of officers and departments of the state government. The explanatory statement shall be prepared by the Secretary of State and shall be approved by the Attorney General. The first notice shall be published not more than 60 days nor less than 50 days before the date of the election, and the second notice shall be published on the same day in the succeeding week. The Legislature shall fix the standards for the rate of charge for the publication, which may not be higher than the newspaper's published national rate for advertising per column inch.

"The election shall be held in accordance with procedures prescribed by the Legislature, and the returning officer in each county shall make returns to the Secretary of State of the number of legal votes cast at the election for and against each amendment. If it appears from the returns that a majority of the votes cast have been cast in favor of an amendment, it shall become a part of this Constitution, and proclamation thereof shall be made by the Governor."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the first Tuesday after the first Monday in November, 1972, at which election the ballots shall be printed to provide for voting for or against the proposition: "The constitutional amendment revising provisions on the time of proposing amendments to the state constitution and the time and method of publishing notice of proposed amendments."

(For a favorable report on a bill where a "committee substitute" was recommended by the committee.)

COMMITTEE REPORT

Date 5-6-71

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on Const. Amendments, to whom was referred HJR No. 68, have had the same under consideration and beg to report back with recommendation that it do pass, and be not printed.

Committee Substitute was recommended and is to be printed in lieu of the original bill.

The Bill was reported from Committee by the following vote:

~~Unanimous voice vote~~

~~Majority voice vote~~

Votes of _____ yeas and _____ nays.

John C. Meyer

Chairman.

(A "committee substitute" in the case of a bill is in the form of two suggested amendments, a new body and a new caption. Under the Rules a committee may authorize the printing of the "committee substitute" in lieu of the original bill. If the original caption is adequate, the "committee substitute" should be only a new body; and in such case the original caption should be printed along with the suggested new body.)

1 By: Baker, et al

H. J. R. No. 68

2 (In the House. --Filed March 11, 1971; March 15, 1971, Read first time
3 and referred to Committee on Constitutional Amendments; May 6, 1971,
4 reported favorably as amended by majority voice vote, sent to Printer.)

5 A JOINT RESOLUTION

6 PROPOSING an amendment to Section 1, Article XVII, Con-
7 stitution of the State of Texas, revising provisions
8 on the time of proposing amendments to the state
9 constitution and the time and method of publishing
10 notice of proposed amendments.

11 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

12 Section 1. That Section 1, Article XVII, Constitution of the State of Texas,
13 be amended to read as follows:

14 "Section 1. The Legislature, at any regular session, or at any special
15 session when the matter is included within the purposes for which the ses-
16 sion is convened, may propose amendments to the Constitution, to be voted
17 upon by the qualified electors for statewide offices and propositions, as
18 defined in the Constitution and statutes of this State. The date of the election
19 shall be specified by the Legislature. The proposal for submission must
20 be approved by a vote of two-thirds of all the members elected to each House,
21 entered by yeas and nays on the journals.

22 "A brief explanatory statement of the nature of a proposed amendment, to-
23 gether with the date of the election and the wording of the proposition as it
24 is to appear on the ballot, shall be published twice in each newspaper in the
25 State which meets requirements set by the Legislature for the publication
26 of official notices of officers and departments of the state government. The
27 explanatory statement shall be prepared by the Secretary of State and shall
28 be approved by the Attorney General. The first notice shall be published
29 not more than 60 days nor less than 50 days before the date of the election,
30 and the second notice shall be published on the same day in the succeeding
31 week. The Legislature shall fix the standards for the rate of charge for
32 the publication, which may not be higher than the newspaper's published
33 national rate for advertising per column inch.

34 "The election shall be held in accordance with procedures prescribed by
35 the Legislature, and the returning officer in each county shall make returns
36 to the Secretary of State of the number of legal votes cast at the election
37 for and against each amendment. If it appears from the returns that a
38 majority of the votes cast have been cast in favor of an amendment, it
39 shall become a part of this Constitution, and proclamation thereof shall
40 be made by the Governor."

41 Sec. 2. The foregoing constitutional amendment shall be submitted to a
42 vote of the qualified electors of this state at an election to be held on the
43 first Tuesday after the first Monday in November, 1972, at which election
44 the ballots shall be printed to provide for voting for or against the propo-
45 sition: "The constitutional amendment revising provisions on the time of
46 proposing amendments to the state constitution and the time and method of
47 publishing notice of proposed amendments."

48

49 COMMITTEE AMENDMENT NO. 1

50 Amend H. J. R. No. 68, First Printing, by striking all below the resolving
51 clause and substituting the following:

52 Section 1. That Article XVII, Section 1, Constitution of the State of Texas,
53 be amended to read as follows:

54 "Section 1. The Legislature, at any [bienniel] regular session, [by a vote
55 of two-thirds of all the members elected to each House to be entered by yeas
56 and nays on the journals, may propose amendments to the Constitution, to
57 be voted upon by the qualified electors for members of the Legislature,
58 which proposed amendments shall be duly published once a week for four
59 weeks, commencing at least three months before an election, the time of
60 which shall be specified by the Legislature, in one weekly newspaper of

1 each county, in which such a newspaper may be published; and it shall be the
2 duty of the several returning officers of said election, to open a poll for, and
3 make returns to the Secretary of State, of the number of legal votes cast at
4 said election for and against said amendments; and if more than one be pro-
5 posed, then the number of votes cast for and against each of them; and if it
6 shall appear from said return, that a majority of the votes cast, have been
7 cast in favor of any amendment, the said amendment so receiving a majority
8 of the votes cast, shall become a part of this Constitution, and proclamation
9 shall be made by the Governor thereof.] or at any special session when the
10 matter is included within the purposes for which the session is convened,
11 may propose amendments revising the Constitution. Revision of one or more
12 parts dealing with one general subject may be submitted as one question to be
13 voted upon by the qualified electors for statewide offices and propositions, as
14 defined in the Constitution and statutes of this State. The date of the election
15 shall be specified by the Legislature. The proposal for submission must be
16 approved by a vote of two-thirds of all the members elected to each House,
17 entered by yeas and nays on the journals.

18 "A brief explanatory statement of the nature of a proposed amendment, to-
19 gether with the date of the election and the wording of the proposition as it
20 is to appear on the ballot, shall be published twice in each newspaper in the
21 State which meets requirements set by the Legislature for the publication of
22 official notices of officers and departments of the state government. The
23 explanatory statement shall be prepared by the Secretary of State and shall
24 be approved by the Attorney General. The first notice shall be published
25 not more than 60 days nor less than 50 days before the date of the election,
26 and the second notice shall be published on the same day in the succeeding
27 week. The Legislature shall fix the standards for the rate of charge for
28 the publication, which may not be higher than the newspaper's published
29 national rate for advertising per column inch.

30 "The election shall be held in accordance with procedures prescribed by
31 the Legislature, and the returning officer in each county shall make re-
32 turns to the Secretary of State of the number of legal votes cast at the
33 election for and against each amendment. If it appears from the returns
34 that a majority of the votes cast have been cast in favor of an amendment,
35 it shall become a part of this Constitution, and proclamation thereof
36 shall be made by the Governor."

37 Sec. 2. The foregoing constitutional amendment shall be submitted to
38 a vote of the qualified electors of this state at an election to be held on
39 the first Tuesday after the first Monday in November, 1972, at which
40 election the ballots shall be printed to provide for voting for or against
41 the proposition: "The consitutional amendment revising provisions on
42 the time and method of proposing amendments to the state constitution
43 and the time and method of publishing notice of proposed amendments."

Hubenak

COMMITTEE AMENDMENT NO. 2

47 Amend H. J. R. No. 68, First Printing, by striking all above the re-
48 solving clause and substituting the following:

A JOINT RESOLUTION

50 PROPOSING an amendment to Article XVII, Section 1, Con-
51 stitution of the State of Texas, revising provisions
52 of the time and method of proposing amendments to
53 the state constitution and the time and method of
54 publishing notice of proposed amendments.

Hubenak

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2 COMMITTEE REPORT

3 COMMITTEE ROOM

4 Austin, Texas, May 6, 1971

5 Hon. G. F. (Gus) Mutscher, Speaker of the House of Representatives.

6 SIR: We, your Committee on Constitutional Amendments, to whom was
7 referred H. J. R. No. 68, have had the same under consideration and beg
8 to report back with recommendation that it do pass, and be not printed.
9 Committee Substitute was recommended and is to be printed in lieu of the
10 original bill.

11 John A. Traeger, Chairman

12
13 BILL ANALYSIS

14
15 Background:

16 The present mode of presenting Constitutional amendments to the
17 electorate is confusing, expensive, and unwieldy.

18
19 Purpose:

20 Altering the time of proposing amendments to the Constitution and
21 the method of publishing notice of proposed amendments.

22
23 Section by Section Analysis:

24 Section 1: Proposed amendments to the Constitution may be heard
25 in any regular session or at any special session when the amendment would
26 be included in the purpose for which the session is called.

27
28 The publishing notices shall be published twice in each newspaper
29 in the State which meets the requirements for publications of official no-
30 tices. The first notice shall be published not more than 60 days nor less
31 than 50 days before the date of the election and the second notice shall be
32 published on the same day in the succeeding week.

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34 Section 2. Election clause.

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36 Summary of Committee Action:

37 Passed by majority voice vote.

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1 COMMITTEE AMENDMENT NO. 1

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4
5 Amend H.J.R. No. 68, First Printing, by striking all below
6
7 the resolving clause and substituting the following:
8

9
10
11 Section 1. That Article XVII, Section 1, Constitution of
12 the State of Texas, be amended to read as follows:

13 "Section 1. The Legislature, at any regular session, or at
14 any special session when the matter is included within the pur-
15 poses for which the session is convened, may propose amendments
16 revising the Constitution, Revision of one or more parts dealing
17 with one general subject may be submitted as one question to be
18 voted upon by the qualified electors for statewide offices and
19 propositions, as defined in the Constitution and statutes of this
20 State. The date of the election shall be specified by the Legis-
21 lature. The proposal for submission must be approved by a vote
22 of two-thirds of all the members elected to each House, entered
23 by yeas and nays on the journals.

24 "A brief explanatory statement of the nature of a proposed
25 amendment, together with the date of the election and the wording
26 of the proposition as it is to appear on the ballot, shall be
27 published twice in each newspaper in the State which meets
28 requirements set by the Legislature for the publication of offi-
29 cial notices of officers and departments of the state government.
30 The explanatory statement shall be prepared by the Secretary of
31 State and shall be approved by the Attorney General. The first
32 notice shall be published not more than 60 days nor less than
33 50 days before the date of the election, and the second notice
34 shall be published on the same day in the succeeding week. The
35 Legislature shall fix the standards for the rate of charge for
36 the publication, which may not be higher than the newspaper's
37 published national rate for advertising per column inch.

38 "The election shall be held in accordance with procedures
39 prescribed by the Legislature, and the returning officer in each
40 county shall make returns to the Secretary of State of the num-
41 ber of legal votes cast at the election for and against each
42 amendment. If it appears from the returns that a majority of the
43 votes cast have been cast in favor of an amendment, it shall
44 become a part of this Constitution, and proclamation thereof
45 shall be made by the Governor."

46 Sec. 2. The foregoing constitutional amendment shall be
47 submitted to a vote of the qualified electors of this state at an
48 election to be held on the first Tuesday after the first Monday
49 in November, 1972, at which election the ballots shall be printed
50 to provide for voting for or against the proposition: "The
51 constitutional amendment revising provisions on the time and
52 method of proposing amendments to the state constitution and the
53 time and method of publishing notice of proposed amendments."
54

2-4376
(2)
EBL

DATE MAY 21 1971

READ AND ADOPTED *as amended,*

Dorothy [Signature]
HOUSE OF REPRESENTATIVES

COMMITTEE AMENDMENT NO. 2

Amend H.J.R. No. 68, First Printing, by striking all above
the resolving clause and substituting the following:

A JOINT RESOLUTION

proposing an amendment to Article XVII, Section 1, Constitution
of the State of Texas, revising provisions of the time and method
of proposing amendments to the state constitution and the time
and method of publishing notice of proposed amendments.

②

Amend No —

By William

Amend H.J.R 68, 2nd printing by
adding on line 24, page 2. after the word Council.
the following:

The Secretary of State shall

shall send a full and complete copy

of the proposed amendment ^{or amendments} to each

County Clerk who shall post the

same in a public place in ~~and~~ ^{the} Court House

at least 30 days prior to the election

on said amendment. ②

MAY 21 1971

DATE

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

1203 1/2

①
By - Grant Jones

Amend HJR 68, Second Printing, Page 2 by striking the period after the word, "Constitution," on line 11 and substituting a comma in lieu thereof and striking the words, "Revision of one or more parts dealing with one general subject may be submitted as one question", as they appear on lines 11 and 12.

MAY 25 1971

DATE _____

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

Amk
7

By: Baker, et al

✓
H.J.R. No. 68

HOUSE JOINT RESOLUTION

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The explanatory statement shall be prepared by the Secretary of State and shall be approved by the Attorney General. The Secretary of State shall send a full and complete copy of the proposed amendment or amendments to each county clerk who shall post the same in a public place in the courthouse at least 30 days prior to the election on said amendment. The first notice shall be published not more than 60 days nor less than 50 days before the date of the election, and the second notice shall be published on the same day in the succeeding week. The Legislature shall fix the standards for the rate of charge for the publication, which may not be higher than the newspaper's published national rate for advertising per column inch. _____

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H.J.R. No. 68

method of proposing amendments to the state constitution and the
time and method of publishing notice of proposed amendments."

HOUSE JOINT RESOLUTION

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H.J.R. No. 68

method of proposing amendments to the state constitution and the time and method of publishing notice of proposed amendments."

Lieutenant Governor
President of the Senate

Speaker of the House

I hereby certify that H.J.R. No. 68 was adopted by the House on May 25, 1971, by the following vote: Yeas 141, Nays 1, and 3 present not voting.

Chief Clerk of the House

I hereby certify that H.J.R. No. 68 was passed by the Senate on May 28, 1971, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:45 PM
CLOCK

MAY 31 1971

.....
Secretary of State



HOUSE OF REPRESENTATIVES
AUSTIN

The Honorable Martin Dies
Secretary of State

I am hereby transmitting to the office of the
Secretary of State, House Joint Resolution No. 68,
62nd Legislature, as of May 31st, 1971.

Orea Suppin
Enrolling and Engrossing Clerk
House of Representatives

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:45 PM O'CLOCK

MAY 31 1971

.....
Secretary of State

HOUSE JOINT RESOLUTION

proposing an amendment to Section 1, Article XVII, Constitution of the State of Texas, revising provisions on the time of proposing amendments to the state constitution and the time and method of publishing notice of proposed amendments.

FILED MAR 11 1971

MAR 15 1971

Constitutional Amendments

Dorothy Hallman

Chief Clerk, House of Representatives

MAY 21 1971

READ SECOND

TIME Amended AND

ORDERED _____ ENGROSSED

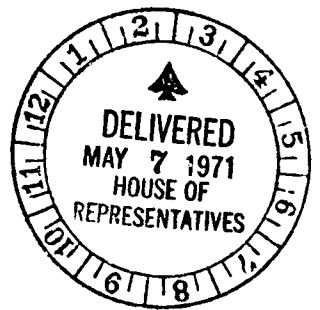
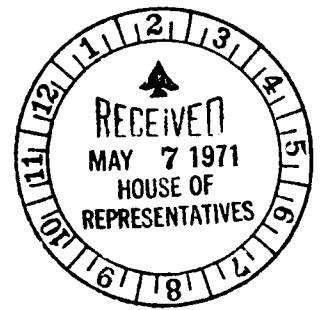
*Record voted 88 ayes, 129-1102
6-present for not voting
Dorothy Hallman*

Chief Clerk, House of Representatives

MAY 21 1971

SENT TO ENGROSSING CLERK

MAY 6 1971 REPORTED FAVORABLY AS AMENDED SENT TO PRINTER



PRINTED, DISTRIBUTED AND
REFERRED TO COMMITTEE ON
RULES 2:30 P M, MAY 7 1971
(Time) (Date)

By: Baker, et al

C H.J.R. No. 68

HOUSE JOINT RESOLUTION

proposing an amendment to Article XVII, Section 1, Constitution of the State of Texas, revising provisions of the time and method of proposing amendments to the state constitution and the time and method of publishing notice of proposed amendments. _____

3-11-71 Filed. _____

3-15-71 Read first time and referred to Committee on Constitutional Amendments. _____

5- 6-71 Reported favorably as amended, sent to printer. _____

5- 7-71 Printed, distributed and referred to Committee on Rules at 2:30 p.m. _____

5-21-71 Read second time, amended and ordered engrossed by the following vote: Yeas 88, Nays 29 and 6 present not voting. _____

Dorothy Hallman
Chief Clerk, H. of R.

5-21-71 Sent to Engrossing Clerk. _____

5-21-71 Engrossed. _____

Oraa Suggins
Engrossing Clerk, H. of R.

MAY 22 1971 RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAY 25 1971

Read third time

amended and Passed

by following vote: yeas

141

Nays

1 & 3 present not voting

Dorothy Hallman
Chief Clerk

HOUSE OF REPRESENTATIVES

MAY 25 1971 SENT TO ENGROSSING CLERK

MAY 26 1971

RETURNED FROM ENGROSSING CLERK SENT TO THE SENATE

MAY 28 1971

SENT TO ENROLLING CLERK

MAY 26 1971

Received from the House

Constitutional Amendments

MAY 26 1971

Read, referred to Committee on

MAY 27 1971

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed.

MAY 28 1971

Regular order of business suspended by

(unanimous consent.

(yeas, nays.

To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of yeas, nays.

MAY 28 1971

Read second time and passed to third reading.

Caption ordered amended to conform to body of bill.

MAY 28 1971

Senate and Constitutional 3-Day Rules suspended by vote of

30 yeas, 0 nays to place bill on third reading and final passage.

MAY 28 1971

Read third time and passed by

~~(unanimous consent.~~

(30 yeas, 0 nays.

OTHER ACTION:

Charles Schnabel

Secretary of the Senate

RETURNED FROM SENATE

MAY 28 1971

MAY 28 1971

Returned to HOUSE

Henry Hallman

Clerk, House of Representatives